

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

JERRY L. MCBRIDE,

PLAINTIFF

V.

NO. 2:07CV0176-P-B

COAHOMA COUNTY, et al.,

DEFENDANTS

**ORDER OVERRULING OBJECTIONS and ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff, an inmate, brings this *pro se* complaint pursuant to 42 U.S.C. § 1983. Plaintiff complains about denial of adequate medical treatment regarding a compromised tooth and associated pain. Plaintiff was afforded the opportunity to clarify and specifically state his claims at a *Spears* hearing. Following the *Spears* hearing, the Magistrate Judge filed a Report and Recommendation on May 30, 2008, recommending dismissal of Plaintiff's claims. Notwithstanding several amendments to the complaint, the Magistrate Judge suggests that Plaintiff has failed to state a claim of a constitutional nature.

The Report and Recommendation instructed Plaintiff to file any objections thereto within ten days. Rather than submitting his objections, on June 16, 2008, Plaintiff filed a motion for extension of time. Despite again being given ample opportunity to provide facts which might substantiate a valid § 1983 claim, the court finds that Plaintiff has not and cannot state a claim upon which relief should be granted. Accordingly, the court approves and adopts the Report and Recommendation as its opinion.

THEREFORE, it is hereby ORDERED that

- 1) the Plaintiff's objections, if any, to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;
- 2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;
- 3) Plaintiff's claims are DISMISSED with prejudice;

- 4) Plaintiff's motion for time (docket entry 30) is DENIED as moot; and
- 5) this matter is CLOSED.

SO ORDERED, this the 7th day of July, 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE